

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

WILLIE P. CAMPBELL,

Plaintiff,

vs.

JOHN E. POTTER, JOHN SHAVER,  
AND DALE KIRKLAND,

Defendants.

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

5:04CV295 (DF)

**ORDER**

The instant action was filed on September 13, 2004. Plaintiff filed a motion to proceed in forma pauperis, which was denied, and Plaintiff was ordered to pay the full filing fee. In the Court's order directing Plaintiff to pay the filing fee, the Court specified that no service was to be made until further order of the Court. See Tab 3. The filing fee having now been made, Plaintiff is ordered to serve the complaint and shall have 120 days from the date of this Order to do so. See Fed. R. Civ. P. 4(m) (West 2005) (allowing plaintiff 120 days to serve summons and compliant upon defendant). Should Plaintiff fail to perfect service upon all defendants within the prescribed time period, this action will be dismissed without prejudice. See Fed. R. Civ. P. 41(a)(2) (allowing court to dismiss action); *see also Peterson v. BMI Refactories*, 132 F.3d 1405, 1410 (11th Cir. 1998) (stating dismissed action without prejudice for failure to serve).

SO ORDERED, this 17<sup>th</sup> day of June, 2005.

**s/Duross Fitzpatrick**  
DUROSS FITZPATRICK, JUDGE  
UNITED STATES DISTRICT COURT

DF/has